

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 124

An Act to amend and reenact §§ 56-308, 56-317, 56-318, 56-319, and 56-338.58 of the Code of Virginia, relating to motor vehicle carriers; rates, fares and charges.

[H 2392]

Approved March 8, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-308, 56-317, 56-318, 56-319, and 56-338.58 of the Code of Virginia are amended and reenacted as follows:

§ 56-308. Undue preference not permitted.

Except as provided in § 56-317, it shall be unlawful for any common carrier or restricted common carrier by motor vehicle to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to subject any particular person, port, gateway, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; provided, however, that this section shall not be construed to apply to discriminations, prejudice or disadvantage to the traffic of any other carrier of whatever description.

§ 56-317. Unlawful to charge other than published tariff.

A. No common carrier or restricted common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation except such as are specified in its tariffs.

B. Notwithstanding the provisions of subsection A, common carriers of passengers by motor vehicle and restricted common carriers of passengers by motor vehicle may elect to charge, demand, collect or receive less compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time.

§ 56-318. Changes in tariffs.

Except as provided in § 56-317, no change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a common carrier or restricted common carrier by motor vehicle, except after thirty days' notice of the proposed change, filed and posted in accordance with § 56-316. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

§ 56-319. No transportation except when rates have been filed, etc.

Except as provided in § 56-317, no common carrier or restricted common carrier by motor vehicle, unless otherwise provided by this chapter, shall engage in the transportation of passengers or property unless the rates, fares, and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this chapter.

§ 56-338.58. Rates and tariffs.

No special or charter party carrier shall charge more ~~or less~~ than the fixed rate and/or charge for the type of vehicle involved set out in said carrier's published tariff which shall be on file with the Commission. *However, such carriers may elect to charge less than the fixed rate and/or charge for the type of vehicle involved set out in said carrier's published tariff on file with the Commission.*